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ABSTRACT

The development of the Equal Employment Opportunity Program (EEO) of the Department of Justice, the problems that have been solved along the way, the obstacles which remain, and the actions that are being taken to achieve equal opportunity in employment throughout the department are described in this document. The Department's affirmative action plan for 1970 and for each succeeding year has been developed to resolve problems surrounding employment of women, blacks, Hispanics, native Americans, and Asian Americans. A continuing element in the program is its effort to more fully integrate women and minorities into the major occupations of the department. Some major breakthroughs have been achieved to incorporate women and minorities more fully into six key occupations. The evolution and growth of the strong, vigorous Equal Employment Opportunity Program which the Department of Justice has indicates that, in a period of rapid growth as experienced by this department over the last seven years has increased minority employment at a great rate. This trend is supported by the description of some of the affirmative actions that have been taken to integrate women and minorities into the mainstream of the professional development.
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STATEMENT

OF

GLEN E. POMMERENING
ASSISTANT ATTORNEY GENERAL
OFFICE OF MANAGEMENT AND FINANCE

BEFORE

THE

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS
HOUSE OF REPRESENTATIVES

CONCERNING

EQUAL EMPLOYMENT OPPORTUNITIES
IN THE DEPARTMENT OF JUSTICE

ON

May 26, 1976

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Mr. Chairman,

I appreciate this opportunity to appear before the Subcommittee on Civil and Constitutional Rights to testify on the Equal Employment Opportunity (EEO) Program of the Department of Justice. With me are Robert S. Smith, Director, Personnel and Training Staff, J. Dennis Scrivens, Chief, EEO Group and Bronson Clayton, Legislative Assistant, Office of Management and Finance.

I think that the best way to present the Department of Justice's EEO Program is by describing the development of our present program, the problems we have solved along the way, the obstacles which remain and the actions we are taking to achieve equal opportunity in employment throughout the Department.

BACKGROUND

Our current EEO Program was established by an order of the Attorney General dated July 17, 1969. The basic structure of the EEO Program is reflected in Title 28 of the Code of Federal Regulations, Part 42A. Part 42A delegates to the Assistant Attorney General for Administration the responsibility to publish, implement and administer programs to guide positive EEO actions toward the elimination of the causes of discrimination and to establish procedures for processing complaints of discrimination. Part 42A also delegates to the

Assistant Attorney General for Civil Rights the responsibility for appointing a Complaint Adjudication Officer to render final decisions for the Department on employee and applicant complaints of discrimination because of race, color, religion, sex, national origin or age.

Earlier, the Department's EEO Program had been assigned to the Deputy Attorney General's office. In November of 1968, the Assistant Attorney General for Administration began the development of a responsive program by recruiting a full-time EEO Specialist assigned to the Department's Personnel and Training Staff. Throughout the fall of 1968 and the first half of 1969 we secured EEO Program support in each of our major subordinate organizations, including the designation of part-time EEO officials to serve the bureaus, offices, boards and divisions of the Department. We also proposed Department EEO Program regulations to bring the Department into compliance with pertinent Executive Orders and U.S. Civil Service Commission regulations.

As a result, the Department's first EEO regulations were published on the same date that the Attorney General formally established the current program -- July 17, 1969. The regulations brought further definition to the primary delegations of authority found in the Code of Federal Regulations and guided the commitment of resources on the part of our major subordinate activities to the EEO Program. The

regulations also provided detailed procedures for processing discrimination complaints.

IMPLEMENTATION

Among the very first steps that we took to implement the EEO Program was the development of the Department's first EEO Affirmative Action Plan. The plan was adopted in October of 1969 and established affirmative EEO action objectives for calendar year 1970. A key objective in our first plan was the requirement of a reliable system for reporting minority employment. The Department's current automated personnel data system is the result of several stages of development and provides information on minority and female employment and other data.

The additional data opened our eyes to the great distance we would have to go to fulfill the objectives we were establishing for equal opportunity for minorities and women. For example, employment data for the total Department of Justice as of the end of 1969 showed that minorities accounted for 3,850 or 10.8 percent of the total work force of 35,582. Female employees number 11,939 or 33.6 percent of the total. For the most part, both female and minority employees were clustered in the lower grade levels and in the less prestigious occupations.

The Department's Affirmative Action Plan for 1970 and for each succeeding year has been developed to resolve problems surrounding employment of women, Blacks, Hispanics, Native Americans and Asian Americans. The management program areas covered in our plans include organization, allocation of resources, recruitment, promotion, upward mobility, training, activities with minority communities, program communications, awards, program evaluation and discrimination complaints.

A continuing element in our annual Affirmative Action Plans has been the effort to more fully integrate women and minorities into the major occupations of the Department. This effort has focused on six occupations which historically account for 40 to 45 percent of our total work force and which have provided the basic training grounds for many of our top executives. The six "key" occupations are: Attorneys, Criminal Investigators, Correctional Officers, Deputy U.S. Marshals, Border Patrol Agents, and Immigration Inspectors. The first study of the six key occupations conducted with the automated data system, as of November 1970, showed that minorities comprised approximately 4.6 percent, while women represented 1.5 percent of the 18,473 employees in these occupations.

As a result of actions taken under our annual plans, some major breakthroughs have been achieved to incorporate women

and minorities more fully into the six key occupations.

As of today, the Department has more than doubled the minority and female employment in the six key occupations to 10.3 percent and 4.4 percent, respectively. In addition, there are 5,552 persons employed by the Department at levels GS-9 through GS-18 in other than the six key occupations. 1,146 or 20.6 percent of this grouping are women and 627 or 11.3 percent are minorities. Finally, in terms of the Department's total employment of 52,078, about 33 percent are women and 18 percent are minorities.

During the five years since November of 1970, women have been integrated into all of our law enforcement occupations including Criminal Investigators, Border Patrol Agents and Deputy U.S. Marshals. Placement of women in these positions is both the result of changes in U.S. Civil Service Commission regulations regarding employment of women in positions requiring the bearing of firearms and of the Department's affirmative recruitment efforts.

In 1975, the Immigration and Naturalization Service, working with the U.S. Civil Service Commission, recognized that ability in the Spanish language was a job-related factor for the Border Patrol Agent occupation. Accordingly, five additional score points were given to Border Patrol Agent applicants who demonstrated this ability.

Many of the problems indentified in the studies mentioned above, as well as the Attorney General's commitment to improve in specific areas, are reflected in his memorandum to all employees on EEO in the Department of Justice dated April 18, 1975, a copy of which is attached to this testimony.

In addition to the strides which have been made in recruitment and placement, we continue through our Affirmative Action Plans to:

- Develop and provide specific EEO training for supervisors, special emphasis coordinators, EEO counselors and investigators and volunteer representatives.
- Participate and exhibit at job fairs, seminars and conventions of national civil rights and community action organizations. Our participation is intended to inform various communities of the missions and employment needs of the Department and its major component activities. The organizations have included the League of United Latin American Citizens (LULAC); the National Association for the Advancement of Colored People (NAACP); the Federal Employed Women (FEW); the American G. I. Forum; the National Urban League; the National Federation of Business and Professional Women's Clubs, Inc.; the Japanese American Citizens League (JACL); Incorporated Mexican American Government Employees (IMAGE); the National Congress of American Indians; the National

Association of Blacks in Criminal Justice (NABCIJ) and the People United to Save Humanity (PUSH).

-- Disseminate program information through our newsletters Women in Justice and Equal Times. We have also developed the recruitment brochures Jobs in Justice in English and Spanish which have been distributed at all Civil Rights conferences attended by the Department of Justice during the past two years.

-- Support the Department's special emphasis programs for our women, Hispanic, and Black employees and applicants.

RESOURCES ALLOCATED TO EEO PROGRAM

Before describing the activities of our special emphasis programs, let me outline the evolution of our EEO Program in terms of resources from its meager beginning of one full-time EEO Specialist in 1968 to the vigorous program of nearly 1,400 full and part-time persons we have today.

Beginning with part-time EEO assistants in each major subordinate activity and one full-time EEO Specialist at the Department level, we added and trained a handful of EEO counselors and investigators. Today there are more than 480 EEO counselors and investigators serving our employees throughout the nation. Six of the investigators are full-time. Bureau EEO offices were established, and the part-time EEO officers were raised to full-time. Today there are seven

full-time EEO officers at the Department and bureau headquarters supported by six full-time clerks, six full-time and 325 part-time EEO coordinators located primarily in the field. There are also nearly 340 employees serving part-time under the Volunteer Representatives Program to assist our employees and applicants who are pursuing allegations of discrimination against the Department. Finally, there are 11 full-time and 275 part-time coordinators at headquarters and in the field for our special emphasis programs for women, Hispanics, and Blacks. These special emphasis programs include the Federal Women's Program, the Spanish-Speaking Program and, recently, the Black Affairs Program as well as a program for the handicapped.

SPECIAL EMPHASIS PROGRAMS

The Department's Federal Women's Program (FWP) consists of coordinators for Department and Bureau headquarters and field activities and is organized to focus on special employment concerns of our female employees and applicants. Under the leadership of the Department's FWP coordinator and the Chairperson of the FWP Committee, a post which has been held by a top executive, the FWP has developed the Volunteer Representative Program, which I have mentioned. The FWP has also developed two expositions -- the Women's Fair 1974 and Women's EXPO '75, as well as a variety of other programs to assist women. Both of the expositions presented by the FWP

were so successful that the concept has been expanded and will be presented as EXPO '76 for all employees highlighting the contribution of all minorities and the handicapped as well as women.

The Department's Spanish-Speaking Program (SSP) is also organized under the Department and Bureau headquarters and field coordinators as well as a senior official who is appointed to serve as Chairperson of the SSP Committee. The Spanish-Speaking Program has contributed to our overall EEO effort to recruit minority attorneys through their study of Hispanic participation in the Department's 1975 Honor Graduate Program. In addition, SSP coordinators have led our recruiters into various Hispanic communities. The increases we show in employment of Hispanics and the improved understanding of the Department and its mission within the Hispanic community are among the primary results of the leadership provided by the SSP coordinators.

The most recent special emphasis program is the Black Affairs Program (BAP). While the Black Affairs Program has been in existence less than one year, it has already been instrumental in assisting several traditionally black colleges and universities in securing grants from the Law Enforcement Assistance Administration (LEAA) for developing criminal justice curricula.

Additionally, the Department participates in the selective placement program for handicapped individuals and disabled

veterans. Recently, the program was reorganized and placed within the EEO office to give it the status and thrust of the other special emphasis programs.

All of the organization and resource innovations which I have just discussed are reflected in Part A of the Department's Affirmative Action Plan for EEO for 1976 which has already been provided. The information is also provided in the organization chart which is attached to this statement.

EMPLOYMENT IN KEY OCCUPATIONS

The most obvious test applied to each of the changes we make is the number of women and minorities we appoint and employ. Because of the importance of the six key occupations to our overall mission and because of the large number of opportunities which exist in these occupations, I will continue to use them as my example. This does not mean that any other occupation within the Department is being neglected in terms of equal opportunity. It does mean that fully integrating the six key occupations is critical to the success of our EEO commitment.

The data in Tables 1, 2, and 3 as of March 31, 1976, and the following discussions point out some of the problems which remain to be resolved in relation to each of the six occupations and some of the plans we have to overcome the problems.

Attorneys

As Table 1 indicates, there are nearly 3,500 attorneys, including 1,675 in the offices, boards and divisions; 1,582 in the Offices of the U.S. Attorneys; 205 in the Immigration and Naturalization Service; and 49 in various legal counsel positions in other bureaus of the Department. Of these 3,500 attorneys, 128 or 3.6 percent are minorities and 355 or 9.5 percent are female, including 29 minority women.

The best information we have available from the American Bar Association indicates that out of a total of approximately 30,000 graduating students the number of minority third-year law students in approved law schools is 2,165 or 7.2 percent as of the 1974-1975 term. Of the spring 1975 law graduates, women totaled 4,546 of 15.2 percent of all graduates. The total number of minority and female attorneys recruited through the 1976 Honor Graduate Program was encouraging. From a total of 132 who accepted offers, 20 or 15.2 percent were minorities and 42 or 30.9 percent were women. This level of representation by women and minorities must and will continue.

Border Patrol Agents

The Immigration and Naturalization Service employs 1,912 Border Patrol Agents, of whom 11 or 0.6 percent are women, including 4 minority women. 297 or 15.5 percent of the Border Patrol Agents are minorities, including 278 Hispanics, 10 Native Americans, 7 Blacks and 2 Asian Americans.

Due to the changes previously mentioned in the Border Patrol Agent examination, progress has been made in the employment of Hispanics in Border Patrol Agent positions. While the selection of women as Border Patrol Agents began in April of 1975 and accounts for the relatively low number, data reveal the Service has never employed a sufficient number of Blacks, Native Americans, or Asian Americans as Border Patrol Agents. The Service has been made aware of the deficiencies and is committed to correcting them.

Correctional Officers

The Bureau of Prisons employs 3,949 Correctional Officers, of whom 286 or 7.2 percent are women including 95 minority women. 776 or 19.6 percent of the Correctional Officers are minorities. The minority breakdown includes 564 Blacks, 192 Hispanics including 8 women; 16 Native Americans and 4 Asian Americans.

The Director of the Bureau of Prisons set a long range goal which was, "the filling of at least 1/3 of all vacancies of minority employees in order to achieve a level of 33 percent minority employment by 1977. [T]his goal is critically important in terms of having employees on our staff who can successfully relate to the inmates" The Bureau's efforts to meet their own goal account for the success shown in Table 1. More recently, the Director of the Bureau of Prisons has made the commitment to integrate women into all occupations and institutions of the Bureau by 1978.

The Bureau of Prisons has raised its employment of minorities from 8.4 percent in November of 1971 to 16.7 percent in March 1976. During the same period employment of minority Correctional Officers rose from 8.8 percent to 20.0 percent. However, additional attention will be given to recruitment of Hispanics, Native Americans and Asian Americans for Correctional Officer positions.

Criminal Investigators

Federal Bureau of Investigation (FBI)

The FBI employs 8,505 Special Agents, of whom 47 are women, including 3 minority women. Also, there are 109 Blacks, 122 Hispanics, 22 Asian Americans and 17 Native Americans or a total of 270 minority Special Agents in the FBI. That is 3.2 percent of the total, which is significantly less than the minorities and women in the labor force. In response to a recent congressional inquiry regarding minority recruitment, the Bureau's reply, which subsequently has been amended to include all of 1975, pointed out that during the past four years, 1972 to 1975, the Bureau recruited 1,417 Special Agent trainees of whom 170 or 12 percent were minorities and/or women. Although complete figures for 1976 are not yet available, 304 Special Agents have entered on duty, of whom 37 or 15.5 percent were minorities and/or women.

Immigration and Naturalization Service (INS)

INS employs 902 Criminal Investigators of whom 16 or 1.8 percent are women, including 1 minority woman. Of the 75 or 8.3 percent minority Criminal Investigators, 41 or 4.5 percent are Hispanic; 32 or 3.5 percent are Black; and 2 or .02 percent are Asian Americans. INS employment data reveal women and minorities are under-represented when compared with respective work force populations and the Federal work force. Steps are being taken to improve the situation through recruitment.

Drug Enforcement Administration (DEA)

DEA, the Federal drug law enforcement agency, employs 2,241 Criminal and Compliance Investigators, of whom 66 or 2.9 percent are women, including 16 minority women. There are 164 Hispanics, 146 Blacks, 28 Asian Americans, and 8 Native Americans. In summary, 346 or 15.4 percent of the Criminal Investigators in DEA are minorities. DEA has established minority and female recruitment goals and cooperative work-study program with higher education institutions with significant minority student enrollments. The innovations they have made will continue to show progress.

Immigration Inspectors

INS employs 1,699 Immigration Inspectors, of whom 273 or 16.1 percent are women, including 91 minority women.

There are 160 Hispanics, 73 Blacks, 7 Native Americans and 30 Asian Americans, or a total of 270 minorities or 15.9 percent of the total Immigration Inspector labor force.

The traditional record of achievement in this occupation will continue to improve.

Deputy U.S. Marshals

The U.S. Marshals Service employs 1,685 Deputy U.S. Marshals, of whom 42 or 2.5 percent are women, including 14 minority women. There are 270 Black, 64 Hispanic, 4 Asian American and 4 Native American Deputy U.S. Marshals. The total number of minority Deputy U.S. Marshals is 342 or 20.3 percent.

SUMMARY

Throughout my statement I have stressed the evolution and growth of the strong, vigorous Equal Employment Opportunity which the Department of Justice now has. I have demonstrated how, in a period of rapid growth experienced by the Department over the past seven years, minority employment has increased at an even greater rate. I have described some of the affirmative actions that have been taken to integrate women and minorities into the mainstream of the professional development. Finally, on behalf of the Department of Justice, I wish to assure this Subcommittee and the Congress that our efforts to realize the objective of equal opportunity in employment

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for women, Blacks, Hispanics, Native Americans, Asian Americans and other Americans will not diminish now or in the future. This concludes my prepared text. I will be happy to respond to any questions the Committee might wish to ask.